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03AB170/ALBRP315US

REMARKS

Claims 1-43 are currently pending in the subject application and are presently under consideration. Claims 1, 17, 35, 39 and 43 have been amended to further emphasize novel aspects of applicant's claimed invention, and claims 7, 14-16 and 25 have been amended herein to cure a minor informality. A version of all pending claims is shown on pages 3-8 of this Reply. In addition, the specification has been amended as indicated on page 2. Further, a Supplemental Information Disclosure Statement (IDS) is being filed concurrently herewith that remedies the deficiencies noted by the Examiner in the subject Office Action. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection to the Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84 (p)(5) because they include reference characters not mentioned in the description. Withdrawal of this objection is requested in view of the amendments made to the specification incorporating the omitted reference numerals.

II. Rejection of Claims 1-11, 14-40 and 43 Under 35 U.S.C. §102(b)

Claims 1-11, 14-40 and 43 stand rejected under 35 U.S.C. §102(b) as being anticipated by Coburn *et al.* (US 2002/012921). Withdrawal of this rejection is requested for at least the following reasons. Coburn *et al.* does not disclose or suggest all aspects set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

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Applicant's claimed invention relates to a system and/or methodology facilitating automatic generation of control code utilizing function objects within a Human Machine Interface (HMI) to enable an industrial system and/or process operator, not skilled in computer programming but familiar with the industrial system and/or process itself to customize control code necessary for industrial automation. To this end independent claims 1, 17, 35, 39 and 43, as amended, recite similar features, namely: *a component that analyzes the HMI representation of objects, the analysis based at least in part on a relatedness of each object that comprises the HMI representation*. Coburn *et al.* does not disclose or suggest these exemplary features of applicant's claimed invention.

Coburn *et al.* relates to system software for managing the design, simulation, implementation and maintenance of a manufacturing process. The cited document however makes no mention of the utilization of an analysis to determine the relatedness of each of the objects that comprise the HMI representation in order to subsequently generate code based on such analysis. Nowhere in Coburn *et al.* is such an exemplary feature mentioned, let alone suggested. Consequently, in the face of this deficiency the cited document does not disclose or suggest each and every limitation set forth in independent claims 1, 17, 35, 39 and 43, and associated dependent claims. Accordingly, this rejection should be withdrawn.

III. Rejection of Claim 43 Under 35 U.S.C. §103

The Office Action alleges that claim 43 stands rejected under 35 U.S.C. §103 but does not indicate the relevant subsection and substantive grounds under the statute to which the rejection pertains. Consequently, it is applicant's representative's belief that it was the Examiner's intent that the rejection of claim 43 should fall within the purview of 35 U.S.C. §102(b), not 35 U.S.C. §103 generally. Based on this understanding, argument and amendments has been put forth above to overcome the rejection of the subject claim as if the rejection was premised on 35 U.S.C. §102(b). Should this surmise be in error, and if necessary, applicant's representative requests that a non-final Office Action be issued to enable appropriate argument to be put forth to overcome rejection of the subject claim.

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IV. Rejection of Claims 12-13 and 41-42 Under 35 U.S.C. §103(a)

Claims 12-13 and 41-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Coburn *et al.* (US 2002/0220921) in view of Polz *et al.* (US 2002/0260518). This rejection should be withdrawn for at least the following reasons. Claims 12-13 and 41-42 depend from independent claim 1 and 39 respectively, and Polz *et al.* fails to make up for the aforementioned deficiencies with respect to Coburn *et al.* Accordingly, withdrawal of this rejection is requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP315US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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